

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

MICROSOFT CORPORATION,

Plaintif,

v.

OPAL TECHNOLOGIES, INC.,

Defendant.

Civil Action No. AMD 00 CV 843

FILED

ENTERED

APR 6 2001

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CLERK'S OFFICE, DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

**STIPULATED PERMANENT INJUNCTION AGAINST
OPAL TECHNOLOGIES, INC. [REDACTED] ORDER THEREON**

Plaintiff Microsoft Corporation, a Washington corporation ("Microsoft"), and Defendant Opal Technologies, Inc., a Pennsylvania corporation ("Opal"), hereby stipulate that Opal and its directors, principals, officers, agents, servants, employees, representatives, successors and assigns, and all those persons or entities acting in concert or participation with them, shall be and hereby are PERMANENTLY ENJOINED and restrained from the following activities described in paragraphs (a) through (g) below. Opal's directors, principals and officers, in their individual capacity, and as directors, principals and officers of other corporations, companies and/or partnerships, shall be and hereby are also PERMANENTLY ENJOINED and restrained from the following:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULA") or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark Registration Nos.:

(1) 1,256,083 ("MICROSOFT");

- (2) 1,200,236 ("MICROSOFT");
- (3) 1,816,354 (WINDOWS FLAG LOGO);
- (4) 1,815,350 (COLORED WINDOWS LOGO);
- (5) 1,982,562 (PUZZLE PIECE LOGO);
- (6) 1,475,795 ("POWERPOINT");
- (7) 1,741,086 ("MICROSOFT ACCESS");
- (8) 1,739,829 ("MICROSOFT ACCESS");
- (9) 1,592,783 ("BOOKSHELF");
- (10) 2,188, 125 ("OUTLOOK");

or the software programs, components, EULA, items or things protected by the following

Certificate of Copyright Registration Nos.:

- (1) TX 4-395-984 ("Office Pro 97");
- (2) TX 4-395-639 ("Access 97");
- (3) TX 4-395-640 ("Excel 97");
- (4) TX 4-395-686 ("Outlook 97");
- (5) TX 4-395-685 ("PowerPoint 97");
- (6) TX 4-395-687 ("Word 97");

and any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service

mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, item, or thing that has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof any of Microsoft's copyright and/or trademark-protected software programs in any trade or corporate names;

(f) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

IT IS SO STIPULATED.

DATED: 4/4/, 2001

OPAL TECHNOLOGIES, INC., a Pennsylvania corporation

By: James F. Schwab

PRESIDENT

James F. Schwab

DATED: 4/4/, 2001

MICROSOFT CORPORATION, a Washington corporation

By: Nick Psychogios

Approved as to form:

DATED: April 12, 2001

PRESTON GATES ELLIS & ROUVELIUS
MEEDS LLP

By: Elizabeth Fleming

Elizabeth Fleming
Attorneys for Plaintiff
MICROSOFT CORPORATION

DATED: April 3, 2001

ROSENBERG PROUTT FUNK
& GREENBERG, LLP

By:

Gerard J. Gaeng

Gerard J. Gaeng
Attorneys for Defendant OPAL TECHNOLOGIES,
INC.

IT IS SO ORDERED.

DATED: 4/6/2001

Andre M. Davis
Andre M. Davis
UNITED STATES DISTRICT COURT JUDGE